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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

FILED

MAY 26 2011

DAVID CREWS, CLERK
BY: *[Signature]* Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

Lukie Taylor,
Plaintiff

v.

Equifax Information Services, LLC.,
Experian Information Solutions, Inc.,
Trans Union LLC, Bank of America, N.A.,
Chase Auto Financial Corp., Federated
Capital Corporation; and Cavalry
Portfolio Services, LLC.,
Defendants.

Case No.

2:11-cv-117-GHD-SAA

DEFENDANT TRANS UNION LLC'S NOTICE OF REMOVAL

COMES NOW, Trans Union LLC ("Trans Union"), and files this Notice of Removal pursuant to 28 U.S.C. §1446, and in support thereof would respectfully show the Court as follows:

A. PROCEDURAL BACKGROUND

1. On or about April 19, 2011, Plaintiff Lukie Taylor ("Plaintiff") filed a Complaint in the Circuit Court of Desoto County, Mississippi, Case No. CV-2011-123RCD ("State Court Action") alleging violations of the Fair Credit Reporting Act (15 U.S.C. § 1681, *et seq.*) as well as common law claims of defamation against Equifax Information Services, LLC ("Equifax"), Experian Information Solutions Inc, ("Experian") Bank of America, N.A.. ("Bank of America") JPMorgan Chase Bank, N.A., incorrectly named Chase Auto Financial Corp., ("Chase") Federated Capital Corporation, ("Federated") Cavalry Portfolio Services, LLC ("Cavalry") and Trans Union.

2. Defendants Trans Union, Equifax, Experian, Chase, Federated and Cavalry were served with the Complaint on May 3, 2011. Defendant Bank of America

was served with the Complaint on April 26, 2011. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

3. The time period for filing a responsive pleading in the State Court Action has not expired as of the filing of this Notice of Removal. No orders have been entered in the State Court Action as of the filing of this Notice of Removal.

B. GROUNDS FOR REMOVAL

1. Federal Question

4. The present suit is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and may be removed to this Court by Defendant, pursuant to the provisions of 28 U.S.C. § 1441(b), as it is a civil action founded on a claim or right arising under the laws of the United States. Removal is thus proper because Plaintiff's claims present a federal question, 28 U.S.C. § 1441(b). In the Complaint, Plaintiff seeks damages for Defendants' alleged violations of 15 U.S.C. § 1681, *et seq.*, the Fair Credit Reporting Act. Moreover, any claims based on state law may be adjudicated by this Court pursuant to 28 U.S.C. § 1367.

2. Diversity of Citizenship

5. Removal is also proper based on diversity jurisdiction as prescribed by 28 U.S.C. § 1332. Plaintiff alleges that due to Defendants' actions, Plaintiff has suffered actual damages including adverse credit actions and emotional distress, and further seeks attorneys' fees and costs, as well as punitive damages. Because it is facially apparent that Plaintiff's claimed damages exceeds \$ 75,000, removal is proper under 28 U.S.C. § 1441. *Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 884 (5th Cir. 2000).

6. There is complete diversity of citizenship among the parties as required by 28 U.S.C. § 1332. Plaintiff is a citizen of the State of Mississippi. None of the

defendants are citizens of Mississippi. Trans Union is a single member limited liability company formed under the laws of Delaware with its principal place of business in Illinois. Equifax is a Georgia limited liability company with its principal place of business in Georgia. Experian is incorporated in the State of Ohio with its principal place of business in California. Bank of America is a national association with its principal place of business and main office in North Carolina. Chase is a national association with its principal place of business and main office in Ohio. Federated is incorporated in Michigan with its principal place of business in Michigan. Cavalry is a Delaware limited liability company with its principal place of business in New York.

C. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

7. Pursuant to 28 U.S.C. §1446(b), this Notice is being filed with this Court within thirty (30) days after Defendant Bank of America, the defendant first served with the Complaint, received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

8. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in this Court because it is in the district and division embracing the place where the state court action is pending.

9. Promptly after the filing of this Notice of Removal, Trans Union shall give written notice of the removal to the Plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Desoto County, Mississippi, as required by 28 U.S.C. § 1446(d)

10. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the Defendant Trans Union in the State Court Action is attached hereto as **Exhibit "A"**.

11. Trial has not commenced in the Circuit Court of Desoto County, Mississippi.

12. All Defendants that have been served upon the date of filing of this Notice of Removal consent to the removal of this case. Consents and Joinders in the Removal from Equifax, Experian, Bank of America, Chase, Federated, and Cavalry are attached hereto as **Exhibit "B"**.

WHEREFORE, Trans Union LLC respectfully prays that the action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded on May 26, 2011, to all counsel of record as follows:

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